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## 1 Establishing the Right to Seize

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- Obtain a “money judgment” by taking legal action through the Alberta Court of Justice (small claims) or Court of King’s Bench.
- Prepare a Writ of Enforcement and file it at the Clerk of the Court.
- Register the Writ of Enforcement at Personal Property Registry (PPR) and keep the verification statement
- Exemptions - the law prevents seizure of some personal property - see Information for Debtor form. Do your homework about the debtor’s personal property and assets - there should be sufficient non-exempt property to cover the cost of seizure and sale, any priority creditors, related writ holders and your writ of enforcement.

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## 2 Instructing Us for Seizure

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The following documents are required:

- [Completed Warrant](#)
- [Letter of Instructions](#) - The more information we have from you, the better.
- [Copy of Filed Writ of Enforcement](#).
- [Copy of your Verification Statement](#) showing registration of the Writ of Enforcement at PPR.

Our office will prepare all other documents required by the Civil Enforcement Act for issuance to the Bailiff.

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## 3 Seizure Decisions

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When providing instructions also describe what should happen to the goods after seizure. Having full instructions at the beginning of the seizure reduces the risk of incurring unnecessary removal and storage charges.

- In most cases we recommend seizing and leaving goods on a Bailee’s Undertaking until the debtor objection period has expired.
- Cost of removal can be high. If you anticipate the Debtor will settle, it doesn’t make sense to remove at the time of seizure.
- If the nature of the seized goods is not well known, seize first and make arrangements to remove at a later date.
- The debtor has 15 days to object to the seizure once the seizure has been conducted. If the debtor objects, your lawyer must make a court application before Consolidated Civil Enforcement is able to sell the seized property. During this time, storage costs will continue to accumulate and remain your responsibility, potentially reducing the amount of recovery at sale.

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## 4 Priorities and Other Issues That May Affect the Seizure Outcome

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We are required by the Sheriff’s Office to conduct a Distribution Seizure Search prior to seizure. This search will help to identify potential issues of priority that may affect your decision to seize. They may also make you aware of court ordered stays or bankruptcy for example. Some common priorities follow:

- Canada Customs and Revenue Agency – Deemed Trust and Crown Prerogative
- Workers’ Compensation Board
- Garage Keepers’ Lien
- Security Agreements
- Municipal Government (i.e. City of Calgary)
- Related writ holders - instructing writ holder gets the first \$2000, plus 15% of anything over \$15,000. The remaining money is distributed on a pro-rata basis.

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## 5 Post Seizure Process

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- Debtor has right to object to Seizure, a sale to the creditor, and to a Notice of Proposed Distribution if required.
- Sale of seized goods must be conducted the by the Civil Enforcement Agency in accordance with the Civil Enforcement Act.
- Process through seizure, sale, and distribution of proceeds takes 2 to 3 months minimum.
- Debtor objection must be addressed by court application brought by a law firm.
- Initial seizure costs vary but generally run between \$1,010 to \$1,540 plus GST, depending on location and complexity. Additional bailiff time, mileage, removal costs, locksmith, etc. will impact overall costs.

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## 6 Indemnity

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We require an indemnity before proceeding with any seizure. If you are using your own letter of instructions, the form of indemnification contained in our letter of instructions must be contained in your letter.

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**Send by email to:** CEA@ccebailiff.ca

Head Office – 300 801 Manning Road NE, Calgary, AB T2E 7M8

Website: www.ccebailiff.ca

Calgary Ph: 403-262-8800

Fx: 403-262-8801

Edmonton Ph: 780 448-5833

Fx: 780 448-0698

**Date:** \_\_\_\_\_

**Debtor Information**

Debtor Name(s): \_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Gender: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Other Debtor Info: \_\_\_\_\_

\_\_\_\_\_

**Client Information**

Name: \_\_\_\_\_

Contact: \_\_\_\_\_

Phone: \_\_\_\_\_

Reference: \_\_\_\_\_

**Attachments**

- Warrant **or**  Prepare Warrant for us  
 Verification Statement – PPR Registration  
 Seizure Deposit Required – \$1,250  
 **RUSH** (Additional fees apply)

**Seizure Instructions**

We hereby confirm that we have the legal right to seize the property of the Debtor as identified above, pursuant to an outstanding Judgment in the Province of Alberta and therefore instruct Consolidated Civil Enforcement Inc. to:

- Seize sufficient non-exempt assets of the Debtor to satisfy the total amount owing on the warrant.

**OR**

- Seize the property listed below:

\_\_\_\_\_

- Leave goods in the possession of the tenant on a Bailee’s Undertaking

**OR**

- Remove goods to auction or to a commercial storage facility as listed below (Consolidated does not recommend removal of seized goods until after the debtor objection period has expired):

\_\_\_\_\_

Best time to seize: \_\_\_\_\_

Any known dangers, threats, or concerns for the bailiff?  Yes  No. If yes, please elaborate below:

Additional Instructions:

Continued on Page 2



## ***Contract and Indemnity***

### ***Contract for Services***

The undersigned Instructing Party hereby warrants to Consolidated Civil Enforcement Inc. (Consolidated) that it is the enforcing party, or that it is the lawful agent of the enforcing party or is otherwise legally authorized to give instructions on behalf of the enforcing party to Consolidated and that it has determined that the enforcement activities instructed herein are lawful. Upon instructing Consolidated, the Instructing Party shall be responsible for the costs of such services, including all costs required to lawfully complete, suspend or withdraw civil enforcement activities. The Instructing Party agrees to pay for all services performed and invoiced by Consolidated within 30 days of the invoice date. Such services will be charged at the rate published by Consolidated with the Sheriff for the Province of Alberta. The Instructing Party shall pay interest on overdue amounts at a rate of 18% per annum, calculated annually, not in advance. The Instructing Party further agrees to provide deposits or other advances for civil enforcement services to be performed upon the request of Consolidated.

***Instructing Party (Individual or Legal Name of Company):*** \_\_\_\_\_

***Address:*** \_\_\_\_\_

***Phone:*** \_\_\_\_\_ ***Fax:*** \_\_\_\_\_ ***Email:*** \_\_\_\_\_

\_\_\_\_\_  
***Signature (Required)*** ***Name (please print)***

### ***Indemnity***

The undersigned confirms that enforcement instructions given to Consolidated are lawful and factually accurate and hereby indemnifies on a solicitor and his own client basis Consolidated, and its directors, shareholders, employees, and agents in respect of its fees, charges and disbursements and in respect of any suit, liability, or claim for damages that might be incurred by it in respect of any function carried out on the enforcement instructions. However, this indemnity shall not extend to any liability arising from the negligence or willful misconduct of Consolidated. This indemnity shall remain in force with respect to all services requested from time to time. In the event of litigation to which this indemnity applies, the undersigned agrees to fund, during the course of such litigation, the legal defense costs of Consolidated and its directors, shareholders, employees, and agents. The undersigned further agrees to provide additional indemnities, bonds or assurances as required by Consolidated from time to time.

***Individual or Legal Name of Company:*** \_\_\_\_\_

***Address, Phone and Fax (if different from above):*** \_\_\_\_\_

\_\_\_\_\_  
***Signature (Required)*** ***Name (please print)***

# Warrant

(Writ of Enforcement)

TO: 

Head Office: 300, 801 Manning Road NE, Calgary AB T2E 7M8  
Phone: 403-262-8800 or TF 1-800-313-4270 (press 3) | Fax: 403-262-8801  
Email: CEA@ccebailiff.ca

A Writ of Enforcement has been registered at Personal Property Registry as Registration # \_\_\_\_\_.

You are hereby instructed to seize the personal property of

\_\_\_\_\_

Name and Address of Debtor

in order to realize the sum of \$ \_\_\_\_\_ owing to \_\_\_\_\_  
Amount Owing as registered at P.P.R. Name of Creditor

and the total amount of all related writs plus costs.

\_\_\_\_\_  
Location of personal property if different from the debtor's address

Dated at \_\_\_\_\_, \_\_\_\_\_, on \_\_\_\_\_.

\_\_\_\_\_  
Signature of Instructing Creditor or Authorized Agent

\_\_\_\_\_  
Print Name of Instructing Creditor or Authorized Agent

\_\_\_\_\_  
Address of Instructing Creditor or Authorized Agent City

\_\_\_\_\_  
Province Postal Code Telephone Number Fax Number

**RELATED WRITS – SEE REVERSE OR ATTACHED SEARCH RESULTS.**

**AMOUNT OWING THIS WRIT** .....  
**PLUS TOTAL OF Related Writs** .....  
**PLUS Seizure Fees and Costs** .....

**TOTAL**

\_\_\_\_\_

# Information for Debtor

## READ THIS DOCUMENT IMMEDIATELY

Your property has been seized under the Civil Enforcement Act either to satisfy a judgment against you or to satisfy a landlord's claim for unpaid rent ("landlord's distress"). This document sets out the exemptions to seizure to which you are entitled. Please note that, if the seizure is to satisfy another kind of claim, you may not be entitled to exemptions.

**Caution:** This document is not intended to provide legal advice. You should seek legal advice if you have any questions regarding your rights and obligations.

### CIRCUMSTANCES WHERE EXEMPTIONS DO NOT APPLY

The exemptions listed below do not apply in the following circumstances:

1. If you are not an individual (e.g. you are a corporation).
2. If the judgment against you is for the payment of maintenance or alimony.
3. If you have abandoned the seized property.
4. If the judgment arises out of an act for which you have been convicted of an offence under the Criminal Code.

**EXEMPTIONS** – Except where any of the above circumstances apply, the following property is exempt from seizure:

	<b>WRITS</b>	<b>LANDLORD DISTRESS</b>
1. Food required by you and your dependants during the next 12 months.		
2. Clothing which is necessary for you and your dependants up to a value of.....	\$4,000	\$4,000
3. Household furnishings and appliances up to a value of.....	\$4,000	\$1,000*
4. One motor vehicle up to a value of .....	\$5,000	Not exempt
5. Medical and dental aids required by you or your dependants.		
6. If your principal source of income is from farming, personal property necessary for the proper and efficient running of your farm for the next 12 months.		
7. If item 6 does not apply to you, personal property required by you to earn income from your occupation up to a value of	\$10,000	\$10,000 – in the
case		of Residential Premises
8. Money payable by the Agriculture Financial Services Corporation in respect of a claim for loss or damage to crops.		

### \* FOR LANDLORD DISTRESS PURPOSES ONLY

Household Furnishings and appliances means one washing machine and dryer; one kitchen suite; bedroom suites and bedding; kitchen appliances including one each of a stove, a microwave, a refrigerator and a freezer; kitchen utensils; and, carriages, strollers, cradles and cribs necessary for the use of the debtor's children.

### NOTICE OF OBJECTION

- If you believe that there is a valid reason why the property that has been seized should not have been seized you must serve the Notice of Objection that has been provided to you on the Civil Enforcement Agency that made the seizure.
- The Civil Enforcement Agency must receive the Notice of Objection from you within 15 days of the day that the seizure documents were served on you or an adult member of your household. Your Notice of Objection will be void if the Civil Enforcement Agency receives it after the 15 day period has expired or if you do not give a reason for your objection.
- The address of the Civil Enforcement Agency to which you must deliver your Notice of Objection is indicated at the top of the Notice of Objection.

**Warning:** If your objection to seizure is not based on valid reasons you could be required to pay legal costs resulting from your objection.

**Notice:** If you have concerns about the way that this seizure was conducted, contact the Civil Enforcement Agency shown on the Notice of Seizure of Personal Property. If you are unable to resolve your concerns with the Civil Enforcement Agency, you may contact the Sheriff – Civil Enforcement at (780) 422-2481.

## MasterCard/Visa Authorization Form

Today's Date	
Card Type:	<input type="checkbox"/> VISA <input type="checkbox"/> MasterCard
Retainer Amount:	
Cardholder Name:	
Card Number:	
Expiry Date:	
Additional charges incurred	By signing below I hereby authorize Consolidated Civil Enforcement Inc. to charge the above noted credit card for invoices incurred on this file. I agree to pay these charges and understand that Consolidated Civil Enforcement Inc. will forward me copies of the same marked as paid by credit card.
Card Holder Signature:	

**ATTACH PHOTOCOPY OF FRONT AND BACK OF CREDIT CARD**

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**For CCE Office Use Only**

CCE File Number: \_\_\_\_\_ Authorization Date: \_\_\_\_\_

Authorization Number: \_\_\_\_\_ Authorizing RM: \_\_\_\_\_

CCE Invoice Payment

Invoice #: \_\_\_\_\_ Invoice Amount: \_\_\_\_\_ Authorization Date: \_\_\_\_\_

Invoice #: \_\_\_\_\_ Invoice Amount: \_\_\_\_\_ Authorization Date: \_\_\_\_\_

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**Consolidated Civil Enforcement Inc.**

300 801 Manning Road N.E. Calgary, AB T2E 7M8 \* Phone: (403) 262-8800 \* Fax: (403) 262-8801  
 Toll Free Phone: (800) 313-4270 \* Toll Free Fax: (888) 262-8803